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Darlene Girouard

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DARLENE GIROUARD, an individual,

 Plaintiff,

CASE NO. 2:23-cv-00674-CDS-EJY

vs.

WALMART TRANSPORTATION, LLC, a
 foreign corporation; WALMART, INC. dba
 WALMART, a foreign corporation; ROBERT
 WILLIAMS MENDOZA, an individual; DOES
 I through XV; and ROE CORPORATIONS I
 through X, inclusive,

~~PROPOSED~~ DISCOVERY PLAN AND
 SCHEDULING ORDER

Defendants.

Pursuant to FRCP 16(b), FRCP 26, and Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day. Special scheduling review is NOT requested at this time, however the parties agree that discovery may take longer than 180 days to complete. Accordingly, the parties request 180 days of discovery, at this time, marked from the date of the FRCP Rule 26(f) conference.

1. **Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on May 18, 2023, and was attended telephonically by Scott A. Flinders, Esq. of Clear Counsel Law Group for Plaintiff Darlene Girouard. Bruce S. Dickinson of Thorndal Armstrong, PC appeared on behalf of Defendants Walmart Transportation LLC, Walmart, Inc. dba Walmart and Robert Williams Mendoza.

2. **Statement of the Case:** This case involves a motor vehicle crash that occurred on or about April 4, 2022, in Las Vegas, Nevada. Plaintiff was traveling in her vehicle in the number two travel lane on IR15 southbound, north of the Craig Road on-ramp. Defendant Walmart and Walmart Transportation's employee, Robert Williams Mendoza was operating a commercial motor vehicle traveling in the number three travel lane on IR15 southbound, north of the Craig Road on-ramp. Plaintiff alleges that without warning Mendoza swerved to his left and into Plaintiff's travel lane and collided with her vehicle. The force of the impact from the Defendant Vehicle propelled Plaintiff Vehicle into the number one travel lane where Plaintiff collided with another vehicle and then subsequently into the concrete median barrier. As a result of the Crash, Plaintiff alleges she suffered significant and serious personal injuries which have caused Plaintiff severe pain and suffering. Plaintiff alleges she received reasonable and necessary medical treatment and engaged the services of physicians to care for and treat said injuries.

3. **Initial Disclosures:** The parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), on or before June 1, 2023.

4. **Areas of Discovery:** The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure, causation, liability, and damages.

5. **Electronically Stored Information:** The parties understand their responsibilities regarding electronically stored information. There are no pending issues or disputes. All discovery, when practicable, may be produced electronically.

6. **Claims of Privilege or Protection as Trial-Preparation Material:** The parties do not anticipate submitting a stipulated protective order to govern the disclosure of confidential proprietary documents.

7. **Changes to Presumptive Limits on Discovery:** The parties do not propose any changes to the presumptive limits in the discovery rules and will cooperate with each other should deviations become necessary.

8. **Other Orders under Rule 26(c) or Rule 16(b) and (c)**: The parties do not anticipate entering into a stipulated protective order.

9. **Discovery Plan**: The parties propose the following discovery plan:

A. **Discovery Cut-off Date(s)**:

Discovery will cut off 180 days from the date of the FRCP 26(f) Conference. The parties jointly request that discovery close on November 14, 2023.

B. **Amending the Pleadings and Adding Parties**:

The parties shall have until August 16, 2023, to file any motions to amend the pleadings to add parties. This is 90 days before the discovery cut-off date.

C. **FRCP 26(a)(2) Disclosure of Experts**:

Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: the disclosure of experts and their reports shall occur on or before September 15, 2023. The disclosure of rebuttal experts and their reports shall occur on or before October 16, 2023. The initial expert disclosure deadline is 60 days before the discovery cut-off date and the rebuttal expert disclosure deadline is 30 days after the initial expert disclosure deadline.

D. **Dispositive Motions**:

The parties shall have until December 14, 2023, to file dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

E. **Pre-Trial Order**:

The parties will prepare a Consolidated Pre-Trial Order on or before January 14, 2024, which is not more than 30 days after the date set for filing dispositive motions in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive motions or until further order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be included in the pre-trial order.

F. **Court Conferences**: If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the

1 Scheduling Order. If the Court does not have questions, the parties do not request a conference
2 with the Court.

3 G. **Extensions or Modifications of the Discovery Plan and Scheduling**
4 **Order:** LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling
5 Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and
6 scheduling order must be made not later than 21 days before the subject deadline. Any stipulation
7 or motion to extend the discovery cut-off period must be made no later than October 24, 2023, 21
8 days before the discovery cut-off date.

9 10. **Format of Discovery:** Pursuant to the electronic discovery amendments to the
10 Federal Rules of Civil Procedure effective December 1, 2020, the parties addressed the e-
11 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
12 do not anticipate discovery of native files or metadata at this time, but each party reserves the
13 right to make a showing for the need of such electronic data as discovery progresses.

14 11. **Alternative Dispute Resolution:** The parties certify that they have met and
15 conferred about the possibility of using alternative dispute-resolution processes including
16 mediation, arbitration, and if applicable, early neutral evaluation.

17 12. **Alternative Forms of Case Disposition:** The parties certify that they considered
18 consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R. Civ. P. 73 and
19 the use of the Short Trial Program (General Order 2013-01), however, the parties have decided
20 against such use and require a traditional jury trial.

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13. **Electronic Evidence:** The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have not reached any stipulations in this regard at this time.

DATED this 1st day of June 2023

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CLEAR COUNSEL LAW GROUP

THORNDAL ARMSTRONG, PC

/s/ Scott A. Flinders

/s/ Bruce S. Dickinson

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 Attorneys for Defendants Walmart
 Transportation LLC, Walmart, Inc. dba
 Walmart, and Robert Williams Mendoza

THE COURT HEREBY ADOPTS THE PARTIES' JOINT ~~PROPOSED~~
 DISCOVERY PLAN.

IT IS SO ORDERED:


 UNITED STATES MAGISTRATE JUDGE

DATED: June 2, 2023

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